

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE: _____)
)
EDWIN CASTELLA CHANDLER) Case No. 19-36701-KRH
) Chapter 13
Debtor _____)

DEBTOR'S OBJECTION TO CLAIM NUMBER 6

COMES NOW, the Debtor, by counsel, pursuant to 11 U.S.C. § 502(a) and Bankruptcy Rule 3007, and for his Objection to Claim Number 6 by Credit Acceptance Corporation, states as follows:

1. The Debtor hereby objects to Claim Number 6 by Credit Acceptance Corporation for a purported debt in the amount of \$19,789.67 ("Claim"), on the grounds that the debt listed in the proof of claim is barred by the statute of limitations. See VA Code Ann. § 8.01-246.

2. The Claim is for a deficiency balance on a vehicle loan where the vehicle was repossessed and sold at auction in or about October 2004 and the five-year statute of limitations for the enforcement of this Claim expired not later than October 2009.

3. The claimant has not obtained a judgment on the debt and therefore the enforcement of this debt is barred and a claim cannot be made on this debt in this case.

James E. Kane (VSB #30081)
KANE & PAPA, P.C.
1313 East Cary Street
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Email: jkane@kaneandpapa.com
Counsel for Debtor

WHEREFORE, the Debtor respectfully requests that the foregoing objection be sustained, that Claim Number 6 by Credit Acceptance Corporation be disallowed, and for such other relief as the Court deems appropriate.

EDWIN CASTELLA CHANDLER

By: /s/ James E. Kane
Counsel

James E. Kane (VSB #30081)
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Email: jkane@kaneandpapa.com
Counsel for Debtor

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2020, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all parties registered to receive notice thereof, and will mail a copy hereof by first class mail, postage prepaid, to:

Credit Acceptance Corporation
c/o Corporation Service Company, R/A
100 Shockoe Slip, Floor 2
Richmond, VA 23219

Credit Acceptance Corporation
25505 W. 12 Mile Road, Suite 3000
Southfield, MI 48034

/s/ James E. Kane

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NOTICE OF OBJECTION TO CLAIM

The above Debtor has filed an objection to your claim in the above bankruptcy case.

Your claim may be reduced, modified or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to change or eliminate your claim, then, within thirty (30) days of service of this Notice you or your attorney must:

- File with the court, at the address shown below, a written response to the objection and request for a hearing. **Unless a written response is filed and served by the date specified, the court may decide that you do not oppose the objection to your claim.** If you mail your response to the court for filing, you must mail it early enough so that the court will receive it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street
Richmond, VA 23219

You must also mail a copy to:

James E. Kane, Esquire
KANE & PAPA, P.C.
1313 East Cary Street
Richmond, Virginia 23219

- Attend a hearing to be scheduled at a later date. You will receive a separate notice of hearing. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim.

Date: January 28, 2020

EDWIN CASTELLA CHANDLER

By: /s/ James E. Kane
Counsel

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/s/ James E. Kane

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